

**FEBRUARY 16, 2008**

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**FRANCISCO PEREZ,  
Plaintiff,**

**V.**

**CHICAGO POLICE OFFICERS R. JOHNSON,  
STAR # 3471, M. FLORES, STAR # 7019  
JOHN DOE, JOHN POE, JANE DOE and  
THE CITY OF CHICAGO,  
Defendants.**

**08 C 1009**

**JUDGE ASPEN  
MAGISTRATE JUDGE DENLOW**

**COMPLAINT**

NOW COMES the PLAINTIFF FRANCISCO PEREZ by his undersigned attorneys and complains against defendants and alleges as follows:

**JURISDICTION**

1. The jurisdiction of the Court is invoked pursuant to the Civil Rights Act, 42 U.S.C. Section 1983, 1981 and 1985; 28 U.S.C. Section 1331 and Section 1343(a); the Constitution of the United States; and pendent jurisdiction as provided under U.S.C. 1367(a). The amount in controversy exceeds \$10,000.00, exclusive of cost and interest against each Defendant.

### **PARTIES**

2. Plaintiff FRANCISCO PEREZ is a citizen of the United States.
3. Defendant JOHNSON, STAR #3471, was at all times material to this Complaint a Chicago Police Officer. He is sued individually.
4. Defendant FLORES, STAR #7019, was at all times material to this Complaint a Chicago Police Officer. She is sued individually.
5. Defendants JOHN DOE, JOHN POE and JANE DOE were at all times material to this Complaint Chicago Police Officers. Each one is sued individually.
6. Defendant CITY OF CHICAGO is a municipal corporation duly incorporated under the laws of the State of Illinois and is the employer and principal of defendant police officers.
7. Defendants were at all times material to this Complaint acting under color of law.

### **STATEMENT OF FACTS**

8. On April 15, 2006, Plaintiff resided in the City of Chicago, County of Cook, State of Illinois.
9. On April 15, 2006, at approximately 12:00am, individual Defendants grabbed Plaintiff by his shirt, shoved him against the wall, and then punched him twice in his left eye.
10. Subsequently, individual Defendants violently kicked and stomped on the Plaintiff's ribs, back, legs, and head.
11. An individual Defendant then struck the Plaintiff multiple times with a police issued nightstick.
12. At the police station, an individual Defendant confiscated the Plaintiff's wallet and removed \$400.
13. Due to the injuries caused by the Defendants, an unknown police officer took the Plaintiff to Holy Cross Hospital on April 15, 2006 where he was treated for lacerations to the face, scalp, and a contusion to his left knee.
14. Due to the injuries caused by the Defendants, the Plaintiff was treated at Saint Mary and Elizabeth Medical Center on April 17, 2006 and was treated for pain to his abdomen and right

quad.

15. The Defendants actions were wanton and willful.

16. The Defendants use of excessive force against the Plaintiff directly resulted in his damages as set forth in more detail below.

17. Moreover, the Plaintiff has been severely traumatized as a result of the Defendants' actions. The Plaintiff experienced mental and physical pain, distress and anguish, and experienced a lack of enjoyment in life.

### **COUNT I**

#### **(Plaintiff's Claim for Assault and Battery Section 1983 against Defendants)**

18. The Plaintiff realleges paragraphs 1-17 with the same force and effect as if fully set forth herein.

19. Without reason to believe the Plaintiff had committed any offense, the individual Defendants illegally used excessive force against the Plaintiff. Said actions by the individual Defendants constitute assault and battery and are actionable under 42 U.S.C. Section 1983. The actions of the individual Defendants were the direct and proximate cause of the violation of the Plaintiff's Fourth Amendment Rights and caused him extreme pain and suffering.

WHEREFORE, the Plaintiff demands damages against the Defendants in actual or compensatory damages and since their actions were willful and/or wanton, the Plaintiff demands punitive damages and costs of this action and attorney fees.

### **COUNT II**

#### **(755 ILCS 10/9 102- Defendant CITY OF CHICAGO)**

20. The Plaintiff realleges paragraphs 1-19 with the same force and effect as if fully set forth herein.

21. Defendant CITY OF CHICAGO is the employer of individual Defendants.
22. The Defendants committed the acts alleged above under color of law and in the scope of their employment as employees of the City of Chicago.

WHEREFORE, should the individual Defendants be found liable on the claim set forth above, the Plaintiff demands that, pursuant to 745 ILCS 10/9-102, the Defendant CITY OF CHICAGO be found liable for any judgments the Plaintiff obtains thereon against said Defendants as well as for all attorney fees and costs.

A JURY TRIAL IS DEMANDED ON ALL COUNTS

/s/Melinda Power

/s/ Sandeep Basran

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